

Message Text

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ACTION SNM-02

INFO OCT-01 EUR-12 ISO-00 IO-13 AGRE-00 IGA-02 AID-05
MED-03 DODE-00 DEAE-00 CIAE-00 INR-07 JUSE-00
NSAE-00 TRSE-00 USIA-15 NSC-05 OES-06 OMB-01
HEW-06 H-02 L-03 /083 W
-----232130Z 054977 /70

R 231126Z MAR 77
FM AMEMBASSY ROME
TO SECSTATE WASHDC 3502

UNCLAS ROME 4730

E.O. 11652: N/A
TAGS: SNAR
SUBJ: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF
MARIHUANA

REF : STATE 057902

1. ARTICLE 71 OF ITALIAN DRUG LAW (NO. 685 DATED 12/22/75)
STATES IN PART THAT WHOEVER, WITHOUT AUTHORIZATION, PRODUCES,
MAKES, EXTRACTS, OFFERS FOR SALE, DISTRIBUTES, BUYS, GIVES
OR RECEIVES FOR ANY PURPOSE, PROCURES FOR OTHERS, TRANSPORTS,
IMPORTS, EXPORTS, PASSES IN TRANSIT WITH OR ILLEGALLY POSSESSES
ANY SUBSTANCE IN TABLE II (CANNABIS INDICA, CANNABIS RESIN,
CANNABIS OIL) SHALL BE PUNISHED WITH IMPRISONMENT OF FROM
TWO TO SIX YEARS AND A PAYMENT OF A FINE OF FROM 2 MILLION
LIRE TO 4 MILLION LIRE. HOWEVER, THE LAW ALSO PROVIDES THAT
PERSONS IN POSSESSION OF SMALL AMOUNTS OF NARCOTICS OR PSYCHO-
TROPIC FOR PERSONAL (OR THERAPEUTIC) USE ARE NOT IN
VIOLATION OF THE LAW.

2. THE ITALIAN LAW IS VAGUE AS TO THE AMOUNT OF CANNABIS
(OR ANY DRUG) WHICH CAN BE DETERMINED AS FOR PERSONAL USE
OR FOR TRAFFICKING. IN PRACTICE THE DISTINCTION SEEMS TO
BE LEFT TO THE PROSECUTOR AND IS MADE ON AN INDIVIDUAL BASIS.
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INTERPRETATIONS OF THE DIMENSIONS OF PERSONAL USE VARY AS
WELL DEPENDING UPON THE LOCALITY WHERE THE OFFENSE IS
COMMITTED. GENERALLY, ONE GRAM OR LESS APPEARS A WIDELY USED
GUIDELINE TO DETERMINE WHETHER THE AMOUNT IN POSSESSION OF AN
OFFENDER IS FOR PERSONAL OR COMMERCIAL USE.

3. ARTICLE 80 OF THE LAW REQUIRES THAT THOSE IN POSSESSION

OF NARCOTIC SUBSTANCES FOR PERSONAL USE BECOME SUBJECT TO THE
FULLER RIGOR OF THE LAW IF THEY DO NOT SUBMIT THEMSELVES
TO REHABILITATIVE TREATMENT. FEW OF THE TREATMENT CENTERS
FORESEEN BY THE LAW ARE IN OPERATION AS YET AND AS A RESULT
THERE IS LITTLE FOLLOW-UP OF THIS CLASS OF OFFENDERS.GARDNER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, LAW, DRUG CONTROL, MARIJUANA, US CONGRESSIONAL HEARINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 23-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977ROME04730
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770100-0214
Format: TEL
From: ROME
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770331/aaaabafr.tel
Line Count: 67
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2196aab3-c288-dd11-92da-001cc4696bcc
Office: ACTION SNM
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 57902
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27-Sep-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3023283
Secure: OPEN
Status: NATIVE
Subject: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF MARIHUANA
TAGS: SNAR, IT
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/2196aab3-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009